SBCivil Writ Petition No.5370/2006

Raj Kumar Parik
Vs.
JVVNigam Ltd., Jodhpur & Ors.

Date of Order :: 10th October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. C.S.Bissa, for the petitioner.
Mr. Manoj Bhandari, for the respondents.

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By this petition for writ a challenge is given to the order of transfer dated 7.9.2006 alleging malafides and extraneous considerations in passing the same. It is stated that the petitioner is transferred due to certain complaints made by the respondents No.4 and 5.

In reply to the writ petition the respondents have denied the allegations of malafides and extraneous considerations in following terms:-

> "That the averments contained in para-8 and 9 are not admitted in the manner stated and hence denied. It is wrong to contend that the transfer of the petitioner is political motivated. As stated above, the complaints are being made by the public authorities with regard to the working of the petitioner from time to time. The Zonal Chief Engineer had also looked into the matter and had recommended that the petitioner should be shifted from Sridoongargarh in public and administrative interest. Therefore, transferring the petitioner in administrative exigencies to enforce decorum and ensure

> probity cannot be said to be a transfer made on account of political reasons. There is no question of any malafide on the part of the respondents when the transfer has been made in accordance with the administrative exigencies of service."

It is emphasised by counsel for the petitioner that the respondent No.3 acted upon the complaints made by the respondents No.4 and 5 and that was the foundation for transfer.

Heard counsel for the parties.

It is true that the respondents No.4 and 5 made certain complaints against the petitioner, however, merely on the count that certain complaints have been filed against the petitioner, it cannot be said that the transfer effected is an out come of malafides. A person involved in political and social activities is having all rights to make complaint against a person working in a public office if he is not working effectively or working in a manner prejudicial to public at large. The administrative authorities of the public office are also required to look into such complaints and to take appropriate action. The action take enters in the zone of malice only if it is taken to victimise the person concerned or he is treated arbitrarily to satisfy illegal, unjust or unwarranted demand of some other person.

In the instant matter from perusal of the reply filed on behalf of the respondents it is abundantly clear that the transfer of the petitioner was effected after considering all objective conditions. In view of it the same is nothing but a requirement of administrative exigencies. I do not find any illegality in the order of transfer impugned.

The petition for writ, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.